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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22913 7590 03/25/2008

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SALT LAKE CITY, UT 84111

EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/25/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,721

08/13/2003

Shan-Wen Chang

17389.200

1720

TITLE OF INVENTION: IMAGE CAPTURING APPARATUS WITH A LASER-FRAMING VIEWFINDER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/25/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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Alexandria, Virginia 22313-1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22913 7590 03/25/2008

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,721 08/13/2003 Shan-Wen Chang 17389.200 1720

**TITLE OF INVENTION: IMAGE CAPTURING APPARATUS WITH A LASER-FRAMING VIEWFINDER**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1440 \$300 \$0 \$1740 06/25/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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MISLEH, JUSTIN P 2622 348-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/25/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 637 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 637 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/604,721

Applicant(s)

CHANG ET AL.

Examiner

Art Unit

JUSTIN P. MISLEH

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed December 28, 2007.
2. ☒ The allowed claim(s) is/are 1 – 17 and 19 – 23 (now respectively renumbered 1 – 22).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

### EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Eric L. Maschoff on February 22, 2008.

The application has been amended as follows:

#### **CLAIMS**

- **Claim 2 (line 2)** – please delete the phrase “on the housing”.
- **Claim 3 (line 2)** – please delete the phrase “on the housing”.
- **Claim 5 (line 2)** – please delete the phrase “on the housing”.
- **Claim 6 (line 3)** – please delete the phrase “with the sliding set”.
- **Claim 10 (line 1)** – please delete the phrase “claim 1” and replace with the phrase “claim 9”.
- **Claim 11 (line 6)** – please delete the phrase “the” and replace with the phrase “the”.
- **Claim 12 (line 2)** – please delete the phrase “on the housing”.
- **Claim 14 (line 1)** – please delete the phrase “claim 1” and replace with the phrase “claim 11”.
- **Claim 16 (line 3)** – please delete the phrase “disposed in the housing”.
- **Claim 17 (line 3)** – please delete the phrase “means for generating a laser beam disposed in the housing;”.

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- **Claim 17 (line 4)** – please delete the phrase “the” and replace with the phrase “a”.
- **Claim 18** – please delete this claim.
- **Claim 20 (line 2)** – please insert the phrase “a” after the phrase “comprising” and before the phrase “means for reflecting”.
- **Claim 22 (line 2)** – please delete the phrase “second”.

***Allowable Subject Matter***

2. **Claims 1 – 17 and 19 – 23 (now respectively renumbered 1 – 22)** are allowed.
3. The following is an Examiner’s statement of reasons for allowance:

For **Claim 1**, the closest prior art teaches an imaging apparatus having a housing and an optical viewfinder, on the housing, which is capable of illuminating a targeted area with a laser beam through the optical viewfinder. The imaging apparatus described in the prior art has a housing, which contains a laser beam generator, a lens for focusing the beam, a framing mask for masking the projected beam in order to form an illumination area, a beamsplitting transparent mirror for relaying the beam through the optical viewfinder, and a lens for taking a picture.

However, the closest prior art does not teach or fairly suggest where the lens for the laser beam is capable of diverging the laser beam and where there is an additional lens set on the housing such that both lens for the laser beam and the additional lens set are capable of moving relative to the housing and being independently aligned with the optical viewfinder.

For **Claim 11**, the closest prior art teaches an imaging apparatus which is capable of illuminating a targeted area with a laser beam. The imaging apparatus described in the prior art has a housing, which contains a laser beam generator, a lens for diverging the beam, a framing

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mask for masking the projected beam in order to form an illumination area, a lens for capturing the image, and a plane mirror reflector for reflecting the generated beam. The housing is broken down into different pieces, which contain the parts described above. There are also two windows in the front of the imaging apparatus that are used as viewfinders.

However, the closest prior art does not teach or fairly suggest where there is a section of the main body that can slide up and down in the camera, having the following effects. When it is positioned inside the housing the laser-framing viewfinder will be active, the power of the laser generator will be switched on and the user will only be able to use the laser-framing viewfinder when capturing an image (in this configuration you can not use the optical viewfinder). When the section is slid upward the optical viewfinder will be active, the power of the laser generator will be switched off and the user will only be able to use the optical viewfinder when capturing an image (in this configuration you can not use the laser-framing viewfinder).

For **Claim 16**, the Examiner respectfully notes the “means for” limitations of this claim invoke 35 U.S.C. 112, sixth paragraph, and will be treated accordingly. Each of the “means for” limitations have been reproduced below with an identification of the corresponding components in the present disclosure (see Substitute Specification filed September 28, 2007 and Drawings filed August 13, 2003):

“means for forming a laser-framing viewfinder” – The Examiner notes this limitation directly and only corresponds to the “first lens” (44), both in structure and function, described in paragraph 0020 and shown in figure 5.

“means for receiving light to view an object being image captured” – The Examiner notes this limitation directly and only corresponds to the “optical viewfinder” (30), both in structure and function, described in paragraph 0019 and shown in figure 5.

“means for focusing an image of the object to be viewed through the means for receiving light” – The Examiner notes this limitation directly and only corresponds to the “second lens set” (48), both in structure and function, described in paragraph 0019 and shown in figure 5.

“means for selectively moving the means for focusing the image and the means for forming a laser-framing viewfinder so as to be independently aligned with the means for receiving light” – The Examiner notes this limitation directly and only corresponds to the “sliding set” (38), both in structure and function, described in paragraph 0021 and shown in figures 5 and 8.

“means for capturing the image” – The Examiner notes this limitation directly and only corresponds to the “camera lens” (26), both in structure and function, described in paragraph 0019 and shown in figure 5.

The closest prior art does not teach or fairly suggest the specific structure or function of the components, described in the specification and drawings and as interpreted by the Examiner above, that correspond to each of the claimed “mean for” limitations in Claim 16.

4. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”



***Cited Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure for the following reasons:

- **Motta et al. (US 6,809,772 B1; US 6,683,651 B1; and US 6,734,913 B1)** each disclose a digital camera with an optical viewfinder. The optical viewfinder also comprises an LCD display that functions as an electronic viewfinder. There is mechanism in the optical viewfinder that allows the user to switch between a true optical viewfinder and the electronic viewfinder.

- **Emery; McIntyre; and Jae-chon (US 6,163,657; US 5,628,034; and US 5,650,817)** each disclose a camera having a laser emitter for framing a picture to be taken by the camera.

- **Chase (US 6,724,991 B1)** discloses a camera having a light transmissive window that functions as an optical viewfinder. The light transmissive window has a holographic image built-in that functions as framing guidelines when illuminated with light. When illuminated, the framing guidelines assist the user looking through the optical viewfinder with framing the picture.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Examiner, Art Unit 2622  
March 26, 2008**